

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Juan Carlos CORTEZ

Case No. 5:19-MJ-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 30, 2018 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324

Offense Description

Did unlawfully transport, attempt to transport, and conspire to transport one undocumented alien(s) by means of transportation and otherwise within the Southern District of Texas, knowing or in reckless disregard of the fact that said alien(s) had come to, entered, or remained in the United States in violation of law, and transported or moved or attempted to transport or move or conspired to transport or move said alien(s) within the United States by means of transportation or otherwise in furtherance of such violation of law;

This criminal complaint is based on these facts:

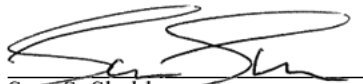
Continued on Affidavit

☒ Continued on the attached sheet.

/S/Jose Mangual

Complainant's signature

Complainant Jose Mangual
sworn and attested before me
on January 2, 2019,
at Laredo, Texas.


Sam S. Sheldon
United States Magistrate Judge

AFFIDAVIT

In support of Criminal Complaint

**UNITED STATES OF AMERICA
V.**

CRIMINAL COMPLAINT

Juan Carlos CORTEZ

Case Number:

1. On December 30, 2018, at approximately 8:55 p.m., Border Patrol Agents (BPAs) assigned to the United States Border Patrol Checkpoint, encountered a silver Buick Lacrosse with two visible occupants as well as one juvenile child in the rear passenger seat.
2. BPAs began conducting an immigration inspection on the driver, later identified as Juan Carlos Cortez, if he was a United States Citizen to which he answered, "yes". BPAs then questioned the front passenger later identified as Pablo Renan MARTINEZ- Zelaya if he was a United States Citizen to which he answered "yes" and presented an authentic City of Austin birth certificate. BPAs then asked the MARTINEZ- Zelaya for additional identification to which he stated he didn't have any. After further investigation was conducted on MARTINEZ-Zelaya, it was determined that he was a citizen of Honduras, illegally in the United States with no immigration documents that would allow him to legally be or remain in the United States.
3. Juan Carlos Cortez waived his rights and did not request to have a lawyer present during questioning and provided a sworn statement. CORTEZ stated that he knew that MARTINEZ-Zelaya was an illegal alien. CORTEZ stated that he was going to transport MARTINEZ-Zelaya to Austin, Texas as a favor to the cousin of MARTINEZ-Zelaya and denied that he was to receive payment. CORTEZ stated that he traveled from Arlington, Texas to McAllen, Texas for the sole purpose of picking up MARTINEZ-Zelaya and transporting him to Austin, Texas. CORTEZ admitted to coaching MARTINEZ-Zelaya on what to say to BPAs upon arrival at the immigration checkpoint. CORTEZ also provided MARTINEZ-Zelaya a valid birth certificate to present.
4. Pablo Renan MARTINEZ-Zelaya, a citizen of Honduras, agreed to provide a sworn statement. MARTINEZ-Zelaya freely stated that he crossed approximately three days ago, and paid a man in Mexico \$2000.00 to be smuggled into the United States. Once in the United States Martinez-Zelaya stated he waited for three days in a house with three other people. On the third day, he stated that a grey vehicle was waiting outside of the house and was told to get in. Once in the vehicle the driver (Juan Carlos Cortez), introduced himself and handed him a birth certificate. The Driver (Juan Carlos Cortez) told MARTINEZ-Zelaya to present the document as if it was his. MARTINEZ- Zelaya stated that his cousin made arrangements to pay CORTEZ once they arrived to their destination.

SUBSCRIBED and SWORN to before me this _____ day of _____.

Signature of Judicial Officer

Signature of Complaint